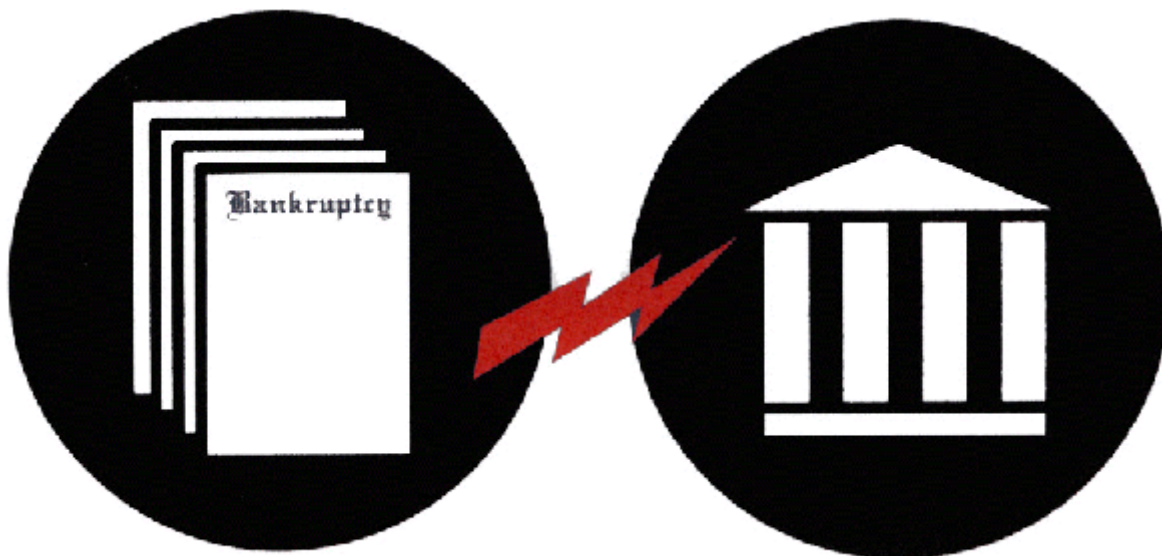


UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF WISCONSIN



CM/ECF

Case Management/Electronic Case Filing

ADMINISTRATIVE PROCEDURES
(Revised January 2002)

WORKING DRAFT

1/22/02

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ECF ADMINISTRATIVE PROCEDURES

I. REGISTRATION FOR THE ELECTRONIC CASE FILING SYSTEM

A. DESIGNATION OF CASES

All cases filed in the Western District of Wisconsin are deemed to be assigned to the Electronic Case Filing System (hereafter System) unless otherwise indicated by the Court. Except when expressly provided otherwise, all pleadings and documents filed in a case assigned to the System may be submitted in electronic format.

B. PASSWORDS

Any attorney admitted to practice in this Court, United States Trustees, private trustees, and others with court approval may register as Filing Users of the System. Registration will permit the User to participate in the electronic retrieval and filing of pleadings and other documents.

C. REGISTRATION

1. A registration form (see Appendix) must be submitted for each attorney or other authorized filer. The registrant must provide authorization for credit card payment to receive a login and password.
2. All registration forms are to be returned to:

United States Courthouse
120 N. Henry Street
P. O. Box 548
Madison, WI 53701-0548
ATTN: Julie Ellingson
3. After completion of training with a Clerk's Office employee, each registering attorney or other authorized filer will be assigned a login and password for the System. Each authorized filer will receive an internet e-mail message after his/her password has been assigned. This is to insure that the filer's internet e-mail address has been entered correctly in the ECF System. The filer may contact the Clerk's Office for activation of his/her live system login and password. The password information for the live system will then either be

mailed to the filer by regular, first-class mail, or the filer may arrange to pick it up at the Clerk's Office.

4. An authorized filer may change the assigned password. In the event a filer believes that the security of an existing password may have been compromised, the filer shall immediately change that password. If a filer forgets password information, the Clerk's Office will assign a new password which will be provided to the attorney as in Section I.C.3.
5. Once registered, an authorized filer may withdraw from participation in the System by providing the Clerk's Office with written notice of withdrawal. Upon receipt of the written notice, the Clerk's Office will immediately cancel the filer's password and delete the filer from any applicable electronic service list. An attorney's withdrawal from participation in the CM/ECF system does not constitute withdrawal from representation in any pending case. An attorney who wishes to withdraw as attorney of record in a particular case must still file an appropriate pleading in the case. A withdrawing attorney must notify all parties/attorneys who have appeared in a pending case that they can no longer be served electronically and must be served conventionally.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING ELECTRONICALLY

1. Except as expressly provided for in paragraph III.A. below, all pleadings and documents required to be filed with the Court in connection with a case assigned to the System may be electronically filed. No party will be required to file pleadings or other papers electronically, although all parties are encouraged to do so whenever possible.
2. Documents that are associated with a pleading may be prepared as separate documents but should be electronically filed together as attachments to the primary pleading; e.g., any affidavits, supporting briefs, or memoranda of law should be filed as attachments to the motion, complaint, or other pleading to which it relates. See III.A.1.b. and II.I. regarding exhibits. Proposed orders should not be filed as attachments, but rather as separate documents.
3. Any document which requires leave of the Court to file, such as a document to be filed out of time, should be attached as an exhibit to

the motion requesting leave. If leave is granted, the document must be separately filed.

4. *Filer* is defined as (i) the attorney of record, (ii) the actual party in interest, if not represented by counsel, or (iii) any other individual authorized to utilize the System in accordance with Sections 1.B and 1.C, who transmits any pleading or document to the Court.

B. SERVICE

1. Whenever a pleading or other paper is filed electronically, the System will automatically generate a “Notice of Electronic Filing” (see Appendix) by electronic means at the time of docketing.
2. The Filer must serve pleadings or documents upon all persons entitled to notice or service in accordance with the applicable rules. If the recipient is a registered attorney in the System, service of the “Notice of Electronic Filing” shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.

C. NOTICE TO THE UNITED STATES TRUSTEE

1. Chapter 11, 12, and Involuntary 7 Cases. Filers must serve all “first-day motions” and notices by e-mail, FAX, or in person on the United States Trustee.
2. Chapter 7 Cases. Filers must serve all motions and notices listed in Bankruptcy Rule 9034 by e-mail on the United States Trustee. The Court will serve all orders of conversion by e-mail on the United States Trustee.
3. Chapter 13 Cases. The Court will serve all orders of conversion by e-mail on the United States Trustee.
4. The United States Trustee’s office e-mail address is _____.

D. SIGNATURES AND AFFIDAVITS OF SERVICE

1. When the original petition is filed electronically, the attorney for the debtor(s) is to file the hard copy of the originally executed “Declaration Re: Electronic Filing” (see Appendix) with the Court within 5 business days of the electronic filing of the petition. This declaration will be scanned into the System by the Clerk’s Office. The

paper copy will be retained by the Court in conformity with its normal internal procedures regarding paper files.

2. Amendments, pleadings, affidavits, and any other documents which must contain original signatures or which require verification or an unsworn declaration under any rule or statute may be filed electronically. Upon request, the original signed documents must be provided to the Court or other parties for review. The pleading or other document electronically filed shall indicate a signature like “/s/Jane Doe,” unless the document has been scanned and shows the original signature.
3. In the case of a stipulation or other document to be signed by two or more persons, the following procedure will be used if the document is filed electronically:
 - (a) The filer will initially confirm that the content of the document is acceptable to all persons required to sign the document and will obtain their actual signatures on the document.
 - (b) The filer will then file the document electronically, either by scanning the document to produce a copy of the original signatures, or by indicating the signatories, e.g., “/s/Jane Doe,” or “/s/John Doe,” etc.
 - (c) The hard copy or copies of the document containing the original signatures need not be filed with the Court. For evidentiary purposes the parties are encouraged to retain the original document in their records.
4. *Pro Se filers* must file fully signed paper originals of all petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification or an unsworn declaration under any rule or statute. These documents will be scanned and entered into the electronic case filing system by the Clerk’s Office. The original documents will be maintained in accordance with the Court’s normal internal procedures regarding paper files.

E. SPECIAL DOCUMENT FILING REQUIREMENTS

Creditor Matrix. The creditor matrix is prepared with word processing software in a single column format with a 1" left margin (not centered). The name and address of each creditor must be 5 lines or fewer and each line

may contain no more than 40 characters including blanks. Account numbers or “attention” lines should be placed on the second line of the name/address. Creditors are single spaced with a double space separating one creditor from the next. The city, state, and zip must all be on the last line, and states must be two-letter abbreviations. The word processing file is saved as a text (.txt) file and uploaded to the Electronic Case Filing system per the user’s manual.

F. FEES PAYABLE TO THE CLERK

1. *Registered filers* will provide written authorization for credit card payment with their registration. That authorization will be used for each filing that requires a fee.
2. *Non-registered filers* must make payment at the time documents are presented to the Court for filings that require a fee.

G. ORDERS

1. Proposed orders may be filed electronically. They should be filed as separate documents at the same time the motion in question is filed. Please do not state in the body or caption of the order that it is a “proposed” order.
2. From time to time, parties may be instructed to prepare an order as the result of a hearing or other disposition by the Court. These orders may also be filed electronically in the same fashion as other pleadings.
3. **PLEASE DO NOT FILE A PLEADING WHICH CONTAINS AN ORDER IN THE BODY OF THE DOCUMENT. Proposed orders should be filed as a separate documents. Although “agreed orders” may contain approving signatures, orders approving stipulations should be filed separately from the underlying stipulation.**

H. TITLE OF DOCUMENT ENTRIES

The person electronically filing a pleading or other document will be responsible for designating a title for the document by selecting among the categories provided in the System.

I. EXHIBITS/ATTACHMENTS

For the convenience of the Filer and other parties, documents and claims that reference exhibits, including but not limited to leases, notes, and the like, may be submitted in summary form. Such a summary need only include a brief description of the exhibits that are directly germane to the matter under consideration by the Court. The summary should be submitted as part of the document. The Filer should also file a Certificate of Service noting that the actual exhibits are available to counsel and the Court upon request. The certificate should be appended to the underlying document and submitted as a PDF document. The actual exhibits must be available in the Courtroom at any time they are intended to be used as evidence. (See Appendix for a sample of the "Certificate of Service.")

III. EXCEPTIONS TO ELECTRONIC FILING

Pleadings and papers except documents under seal, exhibits, and claims may be filed via the Internet.

A. ALTERNATE PROCEDURES

1. Sealed Documents and Exhibits. The following documents shall be filed conventionally and not electronically unless specifically authorized by the Court:
 - (a) Documents under seal. The motion to file document(s) under seal may be filed electronically. However, the actual document(s) shall be prepared in paper form and submitted to the Court. If the motion is granted, a copy of the order will be attached to the documents held under seal.
 - (b) Exhibits.
 - (i) Trial Exhibits should be submitted conventionally in accordance with the Federal Rules of Bankruptcy Procedure, the Federal Rules of Evidence, and any rules or orders of the Court.
 - (ii) Exhibits which are referenced by motions or other pleadings may be submitted to the Court in summary fashion as indicated in section II.I.
2. Claims. Claims may be filed electronically, if the claimant is a registered participant, or conventionally. Claims submitted in conventional fashion will be scanned into the System by the Court, at the discretion of the Clerk of Court.

B. CONVENTIONAL SERVICE

Pleadings or other documents which are filed conventionally shall be served in the manner provided for, and on those parties entitled to notice, in the Federal Rules of Bankruptcy Procedure and any applicable local rules or as otherwise provided by Order of the Court.

When a pleading or other document is filed electronically, the "Notice of Electronic Filing" generated by the System will constitute service of process as provided in section II.B only upon those recipients who are registered participants in the System.

IV. PUBLIC ACCESS TO THE DOCKET SYSTEM

A. INTERNET ACCESS WITHOUT A PASSWORD

(Not available at this time.)

B. INTERNET ACCESS WITH A PASSWORD

Access to Electronic Bankruptcy Records is available for a fee through the Court's web site. Contact the PACER Service Center for a login and password at 1-800-676-6856.

Parties in a bankruptcy case will receive one free look at documents in the case through the hyperlink included in the Notice of Electronic Filing.

C. PUBLIC ACCESS AT THE COURT

The public will have electronic access to bankruptcy records at no charge. Electronic Bankruptcy records can be reviewed at each of the Federal Courthouses (Madison and Eau Claire) in the Western District of Wisconsin during regular business hours.

D. CONVENTIONAL COPIES AND CERTIFIED/EXEMPLIFIED COPIES

Conventional copies and Certified/Exemplified copies of electronically filed documents may be purchased at the Clerk's Office during regular business hours Monday through Friday or by mailing in a request and designating the document(s) by title or docket number. If requesting through the mail, a self-addressed, stamped return envelope and the proper fee must be provided for mailing of the copy work.

The fee for copying, certification, and/or exemplification is set under 28
U.S.C. § 1930.

APPENDIX

**United States Bankruptcy Court
Western District of Wisconsin**

**Case Management/Electronic Case Files
Attorney/Participant Registration Form**

This form shall be used to register for an account on the Court's Case Management/Electronic Case Files (CM/ECF) system. Registered attorneys and other participants will have privileges both to electronically submit documents, and to view and retrieve electronic docket sheets and documents as available for cases assigned to the CM/ECF system. The following information is required for registration:

First/Middle/Last Name: _____

Last four digits of Social Security Number: _____

Attorney Bar #: _____ State: _____

Firm Name: _____

Firm Address: _____

Voice Phone Number: _____

FAX Phone Number: _____

Internet E-Mail Address: _____

By submitting this registration form, the undersigned agrees to abide by the following rules:

1. This system is for use only in cases permitted by the U.S. Bankruptcy Court for the Western District of Wisconsin. It may be used to file and view electronic documents, docket sheets, and notices.
2. Pursuant to Federal Rule of Civil Procedure 11, every pleading, motion, and other paper (except list, schedules, statement, or amendments thereto) shall be signed by at least one attorney of record or, if the party is not represented by an attorney, all papers shall be signed by the party. An attorney/participant's password issued by the Court, combined with the user's identification, serves as and constitutes the attorney/participant's signature. Therefore, an attorney/participant must protect and secure the password issued by the Court. If there is any reason to suspect the password has been compromised in any way, it is the duty and responsibility of the attorney/participant to immediately notify the Court. This should include the resignation or reassignment of the person with authority to use the password. The attorney/participant should change the password immediately.
3. I hereby authorize the Court to make charges upon the credit card I have provided for any applicable fees required in conjunction with filings I make. I understand that it is my

responsibility to provide the Court with any changes to my ~~credit card information and~~
failure to do so may result in temporary loss of my login to the System.

4. An attorney/participant's registration will constitute a waiver in law of conventional service of documents, and the attorney/participant agrees to accept service of notice on behalf of the client of the electronic filing by hand, facsimile or authorized e-mail. Participants agree that service of the "Notice of Electronic Filing" generated by the Court's CM/ECF System in connection with any pleadings filed electronically will be the equivalent of service by first class mail, postage prepaid.
5. The undersigned attorney agrees to abide by the most recent General Orders and/or Administrative Procedures for Electronic Case Filing promulgated by the Court, and all technical and procedural requirements set forth therein.

Please return to:

**U.S. Bankruptcy Court
Western District of Wisconsin
Attn: Julie Ellingson
120 N. Henry Street, Room 340
P. O Box 548
Madison, WI 53701**

Applicant Signature

**United States Bankruptcy Court
Western District of Wisconsin****Credit Card Authorization Form**

This form, which will be kept on file in the Clerk's Office, shall remain in effect until specifically revoked in writing. It is the responsibility of the attorney/firm named herein to notify the Clerk's Office, Finance Section, of the new expiration date when a credit card has been renewed, or if a card has been canceled or revoked.

(Attorney Name/Firm)

hereby authorizes the United States Bankruptcy Court for the Western District of Wisconsin to charge the following credit card number(s) for payment of identified Court-related expenses.

PLEASE TYPE OR PRINT

Visa Number: _____ Exp. Date: _____

Mastercard Number: _____ Exp. Date: _____

American Express: _____ Exp. Date: _____

Discover: _____ Exp. Date: _____

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____

Authorized Signatures

(Signed)

(Typed)

(Signed)

(Typed)

DATE: _____

**SAMPLE NOTICE OF ELECTRONIC FILING
GENERATED BY SYSTEM WHEN A DOCUMENT IS FILED**

00-00000-ABC Notice of Electronic Filing

The following transaction was received from Jim C. Doe on 01/01/2001 at 12:01 AM

Case Name: Debtor name

Case Number: 00-00000-ABC

Document Number: 14

Docket Text:

MOTION FOR RELIEF FROM STAY filed by Jim C. Doe of Creditor's law firm on behalf of Creditor. (Doe, Jim C.)

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: x:/xxxx/12345.pdf

Electronic document Stamp:

[STAMP WIWBStamp_ID=1111111111[Date=01/01/2001][File Number=11111-1][other codes]]

00-00000-ABC Notice will be electronically mailed to:

Jim C. Doe jdoe@creditors.com

Julie W. Doe jdoe@lawfirm.com

**00-00000-ABC The person(s) listed below could not be notified electronically
because that person's e-mail notification service is not activated:**

John Doe
123 Main St.
Nowhere, USA

Jane Doe
456 Main St.
Somewhere, USA

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WISCONSIN

In re: _____)
 _____)
 _____) Bankruptcy Case No.
 _____)
 Debtor(s) _____)

DECLARATION RE: ELECTRONIC FILING**PART I - DECLARATION OF PETITIONER:**

I[We] _____ and _____, the undersigned debtor(s), corporate officer, partner, or member, hereby declare under penalty of perjury that the information I have given or will give my attorney and the information provided in the electronically filed petition, statements and schedules is true and correct. I consent to my attorney sending my petition, this declaration, statements and schedules and any future amendments of these documents to the United States Bankruptcy Court, United States Trustee and Panel Trustee. I understand that this **DECLARATION RE: ELECTRONIC FILING** is to be filed with the Clerk after the petition has been filed electronically but, in any event, no later than 5 business days after the petition has been filed. I understand that failure to file the signed original of this **DECLARATION** may cause my case to be dismissed.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of Title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter specified in the petition.

[If petitioner is a corporation, partnership or limited liability entity] I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified in this petition.

Signed: _____
 Debtor Joint Debtor

(If joint case, both spouses must sign)

Dated: _____

Authorized Corporate Officer, Partner, or Member

PART II - DECLARATION OF ATTORNEY:

I declare under penalty of perjury that I have reviewed the above debtor's[s'] petition, schedules, and statements and that the information is complete and correct to the best of my knowledge. The debtor(s) signed this Declaration before I submitted the petition, schedules, and statements. I will give the debtor(s) a copy of all pleadings and information to be filed with, or received from, the United States Bankruptcy Court, and have complied with all other requirements in the most recent General Order, Administrative Procedures for Electronic Case Filing Manual, and this Court's Local Rules. I have informed the individual petitioner that he and/or she may proceed under chapter 7, 11, 12 or 13 of Title 11, United States Code, and have explained the relief available under each such chapter. This declaration is based upon all information of which I have knowledge.

Dated: _____

Signed: _____

Attorney for Debtor(s)

Wisconsin Bar No.

Attorney Address

Attorney Phone No.

Attorney Fax No.

Attorney E-mail Address

(FILE ORIGINAL WITH COURT. DO NOT FILE ELECTRONICALLY)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

In re:

Debtor(s)

)
)
)
)
)
)
)

Case No.

SUMMARY OF EXHIBITS AND CERTIFICATE OF SERVICE

The following exhibits in reference to the _____ (Motion/Claim to be filed) _____ are
available upon request:

1.....

2.....

3.....

Respectfully submitted,

ATTORNEY FOR _____

Copy of the above served this ____
day of _____, _____, on:

[respondent parties, if motion]

[debtor's(s') attorney and trustee, if claim]